

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:)
Mark A. Stansbury) Before the Examiner
) Naschica Sanders Morrison
)
Serial No. 10/669,829) Group Art Unit 3632
)
Filed September 24, 2003) Via Hand Delivery
)
FURNACE MOUNT AND METHOD)
OF INSTALLATION) February 11, 2004

**RECEIPT OF HAND DELIVERY OF
DECLARATION UNDER 37 C.F.R. §1.132 OF WALTER R. KEY**

The undersigned representative from Group Art Unit 3632 has received by hand delivery on February 11, 2004, a Declaration under 37 C.F.R. §1.132 of Walter R. Key. Acknowledgement by the United States Patent Office representative is set forth below.

Date: 2/11/04

Signature: Naschica

Printed Name: NASCHICA MORRISON

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DECLARATION UNDER 37 C.F.R. §1.132

I, Walter R. Key, hereby declare as follows:

1. I am the Managing Member of NSA LLC, which is the successor in interest of NSA Corporation (hereinafter NSA). NSA is the assignee of U. S. Patent Application No. 10/669,829 (hereinafter "STANSBURY APPLICATION") that is a continuation of U. S. Patent Application No. 09/941,524 attached as Exhibit A. I have about fourteen years of experience in running companies related to the development and/or manufacture and/or sale and/or servicing of heating and air conditioning products.
2. Mark A. Stansbury, the inventor in the STANSBURY APPLICATION, has been in the business of selling and/or servicing heating and air conditioning systems for about thirty-one years. Mr. Stansbury appreciated that there was a need for an improved system for mounting furnaces. This appreciation of a long-felt but unmet need led to the inspiration for the Furnace Mounting Blocks and system set forth in the STANSBURY APPLICATION.
3. NSA the assignee of the STANSBURY APPLICATION was founded on or about August 1, 2001, to commercialize the Furnace Mounting Blocks associated with the STANSBURY APPLICATION. The Furnace Mounting Blocks commercialized by NSA are shown in an early advertisement in Exhibit B and further set forth in drawings

5-10 of the STANSBURY APPLICATION. The undersigned wishes to clarify that the vibration-absorbing pad is now an elastomeric material.

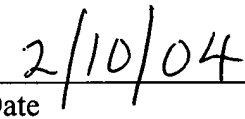
4. During the 2001 calendar year, the Furnace Mounting Blocks were introduced to the market by NSA. At least fifty thousand Furnace Mounting Blocks were sold during the 2001 calendar year through heating and air conditioning wholesalers throughout the United States. Various manufacturers' representatives promoted the Furnace Mounting Blocks product for NSA by calling on wholesalers in the United States. These manufacturers' representatives primarily called on wholesalers located in the Midwest region of the United States. No extraordinary efforts were made by NSA to market or promote the sale of the Furnace Mounting Blocks shown in an early advertisement in Exhibit B and further set forth in drawings 5-10 of the STANSBURY APPLICATION.
5. During the 2002 calendar year, Bramec Corporation of South Dakota entered into an exclusive licensing agreement with NSA to manufacture and distribute the Furnace Mounting Blocks set forth in Exhibit B and in drawings 5-10 of the STANSBURY APPLICATION. Bramec Corporation is a master distributor and manufacturer of products for the air conditioning, heating, plumbing, and refrigeration industries. It is generally recognized that Bramec Corporation is one of the major players in this industry. During the 2002 calendar year, the commercialization of the Furnace Mounting Blocks by NSA and under the license agreement with Bramec Corporation resulted in sales of about 129,000 Furnace Mounting Blocks.
6. During the 2003 calendar year, Bramec Corporation under the exclusive licensing agreement with NSA manufactured and distributed the Furnace Mounting Blocks set forth in Exhibit B and in drawings 5-10 of the STANSBURY APPLICATION. During the 2003 calendar year, the commercialization of the licensed Furnace Mounting Blocks by Bramec Corporation resulted in sales of about 174,000 Furnace Mounting Blocks.
7. NSA spent less than \$12,000 on advertising for the Furnace Mounting Blocks for the years 2001 and 2002 combined. The advertising included the preparation, printing and mailing of a mass mailing to wholesalers, an advertisement in a quarterly HVACR

Distribution News, and two advertisements in an Indiana Contractors Magazine. NSA has spent no further on advertising the Furnace Mounting Block.

8. Bramec Corporation has posted the Furnace Mounting Block on their Web site and distributed a relatively small number of samples to various wholesalers within the United States. The undersigned is unaware of any further substantial advertising activity by Bramec Corporation.
9. The sales volume of the Furnace Mounting Blocks during the introductory 2001 calendar year by NSA, the industry recognition exhibited by Bramec Corporation seeking and entering into a license agreement with NSA, and the ensuing sales volume during calendar year 2002 by NSA and Bramec Corporation of the licensed product support that a significant need is being satisfied by the Furnace Mounting Blocks. The continued growth in sales volume during calendar year 2003 by Bramec Corporation is further evidence that this product is satisfying a significant need.
10. The sales volumes reflected herein are for Furnace Mounting Blocks that were sold by themselves and were not packaged with other products. The Furnace Mounting Blocks are not packaged or combined with other products in a package deal. The sales volumes do not include any sales to affiliates or related companies.
11. The undersigned has included herewith in Exhibit C the Declarations of independent parties as to their opinion of the Furnace Mounting Block and the many benefits associated with the items. Each of the Declarants is not employed by and/or does not have any financial interest in NSA, Bramec Corporation, the Furnace Mounting Blocks invention and/or the STANSBURY APPLICATION.
12. NSA's only business relationship with Bramec Corporation is the exclusive license agreement that the Furnace Mounting Blocks are made and sold under. NSA and/or its principals have no other business relationship with Bramec Corporation.

13. I am familiar with U. S. Patents and have performed a careful review of the STANSBURY APPLICATION and the Furnace Mounting Blocks as exhibited in Exhibit B and set forth in the text and figure 5-10 of the STANSBURY APPLICAATION. As set forth above the undersigned wishes to clarify that the vibration-absorbing pad is now an elastomeric material. It is my opinion that the commercialized Furnace Mounting Blocks and related systems are covered by one or more claims, including at least claims 15-17 and 19-25.
14. The undersigned, being hereby warned that willful false statements or the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. §1001, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon, declares that the facts set forth in this declaration are true, all statement made of his own knowledge are true, and all statements made on information or belief are believed to be true.


Walter R. Key


Date